

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte HANS U. SCHROEDER
and PAUL G.M. GRADENWITZ

Appeal No. 2005-0327
Application No. 09/389,826

MAILED

MAY 25 2005

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

ON BRIEF

Before THOMAS, KRASS, and JERRY SMITH, Administrative Patent Judges.

THOMAS, Administrative Patent Judge.

DECISION ON APPEAL

Appellants have appealed to the Board from the examiner's final rejection of claims 1-9. Independent claim 1 is reproduced below:

1. A semiconductor device having a semiconductor body which on a surface comprises an integrated circuit containing protection means for protection against electrostatic discharge (ESD), the means being a compound element of an SCR and a gated diode, the protection means being provided in a surface area of a first conductivity type having a well of a second, opposite, conductivity type,

wherein a surface zone of the first conductivity type forms a first anode and cathode area of the SCR element,

the surface area has a surface zone of the second conductivity type, further denoted as first zone,

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situated remote from the well and forming a second anode and cathode area of the SCR element, and

the gated diode contains a gate insulated from the surface of the semiconductor body and a highly-doped second conductivity type surface zone aligned to this gate further denoted as second zone, which the second zone partly overlaps the well of the second conductivity type, characterized in that the said second zone stretches out only along a part of the periphery of the well, the first zone is provided along at least another part of this periphery of the well which is free from the said second zone, and an anode and cathode of the SCR element in the first zone are not shielded from one another by the gated diode.

The following reference is relied on by the examiner:

Ker et al. (Ker) 5,572,394 Nov. 5, 1996

Claims 1-6 and 9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Ker. Claims 7 and 8 stand rejected under 35 U.S.C. § 103. As evidence of obviousness, the examiner relies upon Ker alone.

Rather than repeat the positions of the appellants and the examiner, reference is made to the brief (no reply brief has been filed) for appellants' positions, and to the answer for the examiner's positions.

OPINION

For the reasons set forth by the examiner in the answer, we sustain the respective rejections under 35 U.S.C. § 102 and 35 U.S.C. § 103 of the claims on appeal.

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In asserting at the bottom of page 3 that all claims 1-9 fall together, we observe that the single page of arguments at page 4 of the brief only appears to address the subject matter of independent claim 1 on appeal and no other claim is argued.

Pages 3 and 4 of the answer set forth a slightly more detailed correlation of the recited features of independent claim 1 on appeal to the Figure 9 and 11 showings in Ker. The examiner has therefore established corresponding teachings of the claimed first zone, second zone and the respective SCR gated diode as recited in claim 1 on appeal. Each and every feature argued at page 4 of the brief has been addressed by the examiner in the statement of the rejection as well as the responsive arguments portion of it beginning at page 6.

Appellants are misplaced at page 4 of the brief in arguing "FIGS. 4-6 of the claimed invention." It appears that appellants are inviting us to read into the broad subject matter of claim 1 the subject matter disclosed in Figures 4-6, which we will clearly not do.

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In view of the foregoing, the decision of the examiner rejecting various claims on appeal under 35 U.S.C. § 102 and 35 U.S.C. § 103 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a) (iv) (effective Sept. 13, 2003; 69 Fed. Re. 49960 (Aug. 12, 2004); 1286 Off. Gaz. Pat. Office 21 (Sept. 7, 2004)).

AFFIRMED

JAMES D. THOMAS)
Administrative Patent Judge)
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ERROL A. KRASS) BOARD OF PATENT
Administrative Patent Judge) APPEALS
) AND
) INTERFERENCES
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JERRY SMITH)
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